

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MICHAEL L. PACK

Plaintiff

v.

ERVIN DANTLEN

Defendant

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CIVIL ACTION NO. JFM-07-1994

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MEMORANDUM

Pending is a pro se complaint filed by Michael Pack for damages against Ervin Dantlen, his landlord. Pack alleges Dantlen violated his Fourth Amendment rights by “knocking” on Pack’s apartment door without a warrant.¹ The Court will grant Plaintiff’s motion to proceed in forma pauperis, and dismiss the case without prejudice pursuant to U.S.C. § 1915(e).²

As Plaintiff has been granted leave to proceed without the prepayment of filing fees, the Court may screen his claims before service of process and dismiss the complaint *sua sponte* if it fails to state a claim upon which relief may be granted. To the extent Pack intends to state a civil rights claim under 42 U.S.C. § 1983, he must show a deprivation of a right secured by the Constitution and the laws of the United States caused by an official acting under the color of state law. *See West v. Atkins*, 487 U.S. 42, 48 (1988).

This complaint does not claim, nor do the facts presented suggest, that defendant was an official acting under the color of state law. The complaint indicates that defendant went to Pack’s apartment to serve him with legal notice of failure to pay rent. Absent a sufficient factual predicate,

¹ To the extent Pack also faults the Baltimore City Police Department, which is not named here as a party defendant, the court has had occasion to consider and reject similar claims in *Pack v. Baltimore City Police Dept.*, Civil Action No. RDB-07-1703 (D, Md. July 24, 2007).

² Since 1995, plaintiff has filed more than 70 civil cases in this court.

the Complaint cannot proceed. *See Sado v. Leland Memorial Hospital*, 933 F. Supp. 490, 493 (D. Md.). A separate Order shall be entered.

August 3, 2007
Date

_____/s/_____
J. Frederick Motz
United States District Judge